

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA	:	
	:	<b>DECLARATION OF</b>
- v. -	:	<b><u>KATHLEEN KILDUFF</u></b>
	:	
JENNIFER SHAH,	:	S4 19 Cr. 833 (SHS)
	:	
Defendant.	:	
	:	
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STATE OF NEW YORK )  
COUNTY OF NEW YORK : ss.:  
SOUTHERN DISTRICT OF NEW YORK )

Kathleen Kilduff, under penalty of perjury, declares:

1. I am a Special Agent with the Department of Homeland Security, Homeland Security Investigations (“HSI”). I have been a Special Agent for four (4) years and I have participated in numerous investigations involving financial crimes and the forfeiture of assets. I am familiar with the facts contained in this declaration through my participation in this investigation.

2. I respectfully make this declaration in connection with the Government’s application for a Preliminary Order of Forfeiture as to Substitute Assets, as to the following property:

- a) One Baranof Jewelers silver colored necklace with snowflake shaped pendant, containing a total of six (6) diamonds; and
- b) One ladies’ 18 karat rose gold and diamond ring, size 8 ¾, weighing 5.6 dwt;

(the “Substitute Assets”).

3. From my review of the case file, I am familiar with the facts and circumstances of this forfeiture case. Because this declaration is being submitted for a limited purpose, I have not included in it everything I know about this forfeiture case. Where the contents of documents and the actions, conversations, and statements of others are related herein, they are related in substance and in part.

### **The Indictment**

4. On or about March 30, 2021, JENNIFER SHAH (the “Defendant”), and another, was charged in a two-count superseding Indictment, S4 19 Cr. 833 (SHS) (the “Indictment”), with conspiracy to commit wire fraud, in violation of Title 18, United States Code, Section 1349, 2326(1), and 2326(2)(A) (Count One); and conspiracy to commit money laundering, in violation of Title 18, United States Code, Section 1956(h) (Count Two).

5. The Indictment included a forfeiture allegation as to Count One of the Indictment, seeking forfeiture to the United States, pursuant to Title 18, United States Code, Section 982(a)(8), of any and all real or personal property used or intended to be used to commit, to facilitate, or to promote the commission of the offense charged in Count One of the Indictment, and any and all real or personal property constituting, derived from, or traceable to the gross proceeds that the Defendant obtained, directly or indirectly, as a result of the offense charged in Count One of the Indictment, including but not limited to a sum of money in United States currency representing the amount of proceeds traceable to the commission of the offense charged in Count One of the Indictment.

6. The Indictment also included a substitute asset provision as to Count One of the Indictment providing notice that if, as a result of the Defendant’s actions or omissions, forfeitable property is unable to be located or obtained, the United States will seek, pursuant to

Title 21, United States Code, Section 853(p), Title 18, United States Code, Section 982(b) and Title 28, United States Code, Section 2461, the forfeiture of any other property of the Defendant.

7. On or about July 11, 2022, the Defendant pled guilty to Count One of the Indictment, pursuant to a plea agreement with the Government wherein the Defendant admitted the forfeiture allegation with respect to Count One of the Indictment and agreed to forfeit to the United States a sum of money equal to \$6,500,000 in United States currency, representing the proceeds traceable to the commission of the offense charged in Count One of the Indictment.

### **The Order of Forfeiture**

8. On or about July 11, 2022, the Court entered a Consent Preliminary Order of Forfeiture/Money Judgment (the “Order of Forfeiture”), imposing a money judgment against the Defendant in the amount of \$6,500,000.00 (the “Money Judgment”) representing the proceeds traceable to the offense charged in Count One of the Indictment that the Defendant personally obtained (D.E. 580).

9. On or about December 15, 2022, the Court entered a Second Consent Preliminary Order of Forfeiture/Money Judgment (the “Second Order of Forfeiture”), forfeiting all the Defendant’s right, title, and interest in various specific property (the “Specific Property”) (D.E. 643).

10. To date, the entire Money Judgment against the Defendant remains unpaid.<sup>1</sup>

### **The Substitute Assets**

11. Since the date of the entry of the Order of Forfeiture, despite the exercise of due diligence in investigating the assets of the Defendant, the Government has been unable to locate the proceeds of the Defendant’s offenses.

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<sup>1</sup> To date the Specific Property has not been liquidated and a Final Order of Forfeiture has not yet been entered. However, the amount of the Money Judgment is far in excess of any anticipated recovery from the Specific Property.

12. However, the United States has located assets in which the Defendant has an interest, specifically, the Substitute Assets.

13. I have conducted an investigation into any other assets that the Defendant might have to satisfy the Money Judgment against her. In order to locate assets of the Defendant, I conducted searches utilizing the Accurint Law Enforcement database. I performed a search of this database as recently as March 22, 2023. All asset searches I performed yielded negative results.

14. My investigation into the Defendant's assets is ongoing. To date, the only assets that I have located are the Defendant's interest in the Substitute Assets, which are currently in the custody of HSI.

I declare under penalties of perjury that the foregoing is true and correct, pursuant to Title 28, United States Code, Section 1746.

Dated: New York, New York  
March 27, 2023

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KATHLEEN KILDUFF  
Special Agent  
Department of Homeland Security